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THE ASNY COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEBRA PERRY,

Plaintiff,

v.

THE ASNY COMPANY, a Delaware Limited
Liability company,

Defendant.

Case No. 2:21-cv-00449-RFB-EJY

**STIPULATION AND ORDER TO
EXTEND TIME FOR THE PARTIES TO
FILE DISMISSAL DOCUMENTS**

[FIRST REQUEST]

Plaintiff DEBRA PERRY (“Plaintiff”) and THE ASNY COMPANY (“Defendant”), by and through their respective counsel of record, hereby stipulate and agree to extend the time to file the dismissal documents currently set for August 17, 2021, (ECF No. 16).

The parties are currently in the final stages of finalizing settlement and issuing the settlement payment, and they therefore need additional time beyond August 17, 2021, to do so. Specifically, the parties are currently negotiating additional clauses to include in the settlement agreement and are ironing out the inclusion of the same. Moreover, because of the Older Worker Benefit Protection Act (“OWBPA”), an agreement releasing claims under the Age Discrimination in Employment Act (“ADEA”) must provide for a period of at least 7 days following the execution of the agreement that the plaintiff may revoke the agreement, and the agreement is not effective or enforceable until the revocation period has expired. *See* 29 U.S.C. § 626(f)(1)(G). Further, pursuant to the OWBPA, the

1 Plaintiff must be provided at least 21 days within which she can consider the agreement. Although
 2 the Plaintiff can waive the 21 days by executing the agreement beforehand, it is statutorily required
 3 that that amount of time be provided pursuant to the OWBPA. The OWBPA applies here because the
 4 Plaintiff is over 40, causing the ADEA to come into play with the settlement agreement. Because of
 5 this, even if the agreement was finalized this week, which the parties aim to do, the parties would still
 6 need to account for the 28 days required by the OWBPA.

7 The parties have been diligently working to finalize the settlement agreement and are confident
 8 that it will be finalized and executed shortly. Accordingly, the parties request a 30-day extension from
 9 the Court's August 17, 2021 deadline, (see ECF No. 16), to finalize the agreement, comply with the
 10 deadlines required by the OWBPA, issue the settlement payment, and file the dismissal paperwork.
 11 The parties therefore respectfully request the deadline to file the dismissal paperwork to be extended
 12 to September 14, 2021.

13 This request is made in good faith and not for the purpose of delay.

14 Dated: August 4, 2021

Dated: August 4, 2021

15 LAW OFFICES OF MICHAEL P.
 16 BALABAN

LITTLER MENDELSON, P.C.



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20 Attorneys for Plaintiff
 21 DEBRA PERRY

Attorneys for Defendant
 THE ASNY COMPANY

22 Dated: August 4, 2021
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24 IT IS SO ORDERED:

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 UNITED STATES MAGISTRATE JUDGE

4816-2339-1476.1 / 077839-1003